



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,207	10/27/2000	Peter C. Boylan III	UV-161	8271

7590 05/21/2004
Pejman Sharifi
Fish & Neave
1251 Avenue of the Americas
New York, NY 10020-1104

EXAMINER

VU, NGOC K

ART UNIT PAPER NUMBER

2611

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,207

Applicant(s)

BOYLAN ET AL.

Examiner

Ngoc K. Vu

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 & 4.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Klosterman et al. (US 6,469,753 B1).

Regarding claim 1, Klosterman discloses an interactive television system (100 – see figure 1) having user television equipment (RL 116-122 – see figure 1) on which an interactive television program guide application (schedule information) and an interactive non-program-guide television application (software application utilizes the schedule information to generate a schedule guide) are each at least partially implemented (see col. 4-5, lines 63-6), said user television equipment being configured to:

display information that is related to programming using the non-program-guide application (displaying information, e.g., 220 in figure 2(a), is related to a NBC's program featuring Travolta. It is noted that software application utilizes the schedule information to generate the schedule guide. See col. 5, lines 2-6 and 49-57 and figure 2(a));

provide a user with an opportunity to select the displayed information (user can select the information by clicking on it – see col. 6, lines 47-50); and

use the program guide application to display an information display region that includes additional information related to the programming when the displayed information is selected

(for example, screen 260 is shown to the user when information 220 is selected. It is noted that the additional information of the schedule information provides description of the program – see figure 2b and col. 5, lines 5-11; col. 6, lines 47-50).

Regarding claim 23, Klosterman discloses an interactive television system (100 – see figure 1) having user television equipment (RL 116-122 – see figure 1) on which an interactive television program guide application having a plurality of program guide features (schedule information includes various times and available channels) and an interactive non-program-guide television application (software application utilizes the schedule information to generate a schedule guide) are each at least partially implemented (see col. 4-5, lines 63-6), said user television equipment being configured to:

display information that is related to programming using the non-program-guide application (displaying information, e.g., 220 in figure 2(a), is related to a NBC's program featuring Travolta. It is noted that software application utilizes the schedule information to generate the schedule guide – see col. 5, lines 2-6 and 49-57 and figure 2(a));

provide a user with an opportunity to select the displayed information (user can select the information by clicking on it – see col. 6, lines 47-50); and

display a plurality of on-screen options in a display region when the displayed information is selected, wherein the on-screen options that are displayed are based on attributes of the programming, and wherein the options allow the user to access the plurality of program-guide features (for example, screen 260 is shown to the user when information 220 is selected. The screen 260 contains an icon to allow immediate tuning to the program described by the information 220. In addition, the screen 260 may contain another icon that returns the user to the guide 200. It is noted that the additional information of the schedule information

provides description of the program. See figure 2(b) and col. 5, lines 5-11; col. 6, lines 47-57; col. 7, lines 12-23).

Regarding claims **2 and 3**, Klosterman discloses a program guide options related to the programming. For example, screen 260 contains an icon to allow immediate tuning to the program described by the information 220. In addition, the screen 260 may contain another icon that returns the user to the guide 200. See figure 2b and col. 5, lines 5-11; col. 6, lines 47-57; col. 7, lines 12-23.

Regarding claims **4, 5, 27 and 28**, Klosterman further discloses that video window 688, which shows the television program that the user was viewing before the user clicked on information 620 of FIG. 6(a), is in web page 680. The web page 680 includes a NBC logo. See figure 6(d) and col. 9, lines 54-58.

Regarding claims **6, 7, 29 and 30**, Klosterman further discloses that if the user clicks on region 420, the user may see message screen 450, which displays promotional materials about an upcoming program. See col. 8, lines 12-17 and figure 4(b).

Regarding claims **8, 9, 31 and 32**, Klosterman further discloses that information 620 is promotional or advertising material. The information may be a graphic, e.g., icon, logo. See col. 9, lines 30-32 and col. 7, lines 36-39 and figure 6(b).

Regarding claims **10, 11, 33 and 34**, Klosterman shows that the information, e.g., 220, 280, 330, 420, 520 or 620 in figures 2(a)-6(b) is a word/phrase that is related to the program. See figures 2(a)-6(b).

Regarding claims **12, 13, 35 and 36**, Klosterman discloses displaying an icon with information so that the user may activate the icon, click on the information to view additional information about the product or service advertised. See col. 7, lines 36-49.

Regarding claims **14 and 37**, Klosterman discloses that a distribution center 110 compiles data for a data stream, wherein the data stream includes schedule information for program guide. See col. 4, lines 29-31 and col. 4-5, lines 63-2.

Regarding claims **15, 16, 40 and 41**, Klosterman shows that the display region for displaying additional information on a screen. See figures 2(a)-6(c).

Regarding claims **17 and 42**, Klosterman discloses that the user selects the information for additional information about the product or service advertised. The additional displays would allow the user to return to the previous displays after the user has seen the desired information displays. See col. 7, lines 36-44.

Regarding claims **18, 19 and 20**, Klosterman discloses the program is a particular channel, channel, network, e.g., "Staying Alive" program, NBC channel/network. See figures 2(b)-6(c).

Regarding claim **21**, Klosterman further discloses the program is a particular service packet, e.g., pay-per-view program. See col. 7, lines 24-30.

Regarding claims **22 and 43**, Klosterman discloses that software applications, which includes executable code, utilize the schedule information provided in the data-stream to generate a schedule guide. See col. 5, lines 18-22; col. 13, lines 18-24.

Regarding claims **38 and 39**, Klosterman discloses that screen 260 is shown to the user when information 220 is selected. It is noted that the additional information of the schedule information provides description of the program. See figure 2b and col. 5, lines 5-11; col. 6, lines 47-50.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stautner et al (US 6,600,503 B2) discloses a system and method for providing interactive information in an information program guide.

Sullivan (US 6,717,590 B1) discloses a system for performing functions on program contained within program scheduling information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Examiner
Art Unit 2611

May 14, 2004